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*NOT ADMITTED IN MD

September 26, 1995

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SEP 26 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

On behalf of Erin Communications, Inc., licensee of Radio Station WJQZ(FM), Wellsville, New York, there are transmitted herewith an original and four copies of a Petition for Rule Making seeking to substitute Channel 278A for Channel 228A at Wellsville, New York.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner
Counsel for
ERIN COMMUNICATIONS, INC.

Enclosure

JAK:lmb

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Station
(Wellsville, New York)

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MM Docket No.
RM -

DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Erin Communications, Inc., licensee of Radio Station WJQZ(FM), Wellsville, New York, ("Petitioner") by its attorneys, hereby seeks amendment of Section 73.202(b) of the FCC Rules, the Table of Allotments for FM broadcast stations to substitute Channel 278A for Channel 228A at Wellsville. In support hereof, the following is submitted:

1. The Petitioner currently is the licensee of and operates Station WJQZ on Channel 228A at Wellsville. At the present time, its operation is limited to the equivalent of 3kw at 100 meters above average terrain because of the lack of a practical site location fully-spaced to all co-channel and adjacent channel stations. The Petitioner currently has pending an application (File No. BPH-941220IA) which had sought to upgrade the station. However, that was filed in the belief that Section 73.213(c) would be applicable to the upgrade. However, it has since been learned that Section 73.213 does not apply.

2. Attached hereto is an Engineering Exhibit demonstrating that Channel 278A can be substituted for Channel 228A in full compliance with the Commission's rules with respect to spacing to all other stations and allotments as well as coverage of the city of license. It does, however, require a site restriction of approximately 4 kilometers Southwest of Wellsville. No other changes to the Table of Allotments are required.

3. The substitution of Channel 278A would permit the Petitioner to improve service to the public by operating at the equivalent of 6kw with an antenna height above average terrain of 100 meters. This would provide listeners with a better quality of service.

4. If the proposal advanced herein is granted, Erin Communications, Inc. will amend its presently-pending application to specify operation on Channel 278A and, if granted, will construct and operate in accordance therewith.

Accordingly, it is respectfully requested that the Table of Allotments be amended as follows:

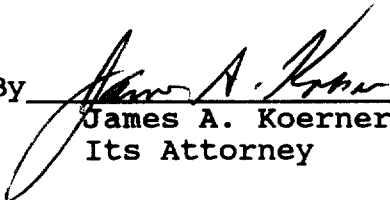
<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Wellsville, New York	228A	278A

Respectfully submitted,

ERIN COMMUNICATIONS, INC.

Date: September 26, 1995

By


James A. Koerner
Its Attorney

BARAFF, KOERNER, OLENDER
& HOCHBERG, P.C.
Three Bethesda Metro Center
Bethesda, Maryland 20814-5335
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02164.00\pleading.926

Engineering Exhibit in Support of a Petition for Rulemaking,
Wellsville, NY

DELETE: Channel 228A, ADD: Channel 278A

September 7, 1995

This report was prepared in support of a petition by Erin Communications to amend the FM broadcast Table of Allotments at Wellsville NY. The petitioner wishes to substitute channel 278A for channel 228A. The allotment presently is used by station WJQZ.

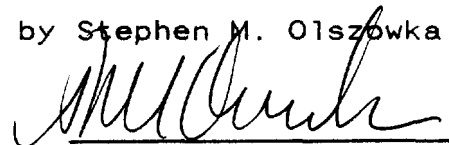
Substitution of channel 278A for 228A at Wellsville would permit operation at the equivalent of 6000 Watts ERP at an antenna height of 100 Meters. Channel 228A at Wellsville is limited to the equivalent of 3000 Watts at 100 Meters above average terrain by the lack of a practical site location fully spaced to all co-channel and adjacent channel under the present rules of the Commission.

The use of Channel 278A at Wellsville requires a site restriction of approximately 4 km southwest of the Wellsville corporate boundary. For the purpose of this study, the coordinates 42-03-24N, 78-00-34W were used. From this location, the 70 dbu contour will encompass all of Wellsville.

The FM spacing study included in this report shows that the proposed 278A at Wellsville NY is fully spaced to all other stations under the present rules.

It is believed that the substitution of Channel 278A for 228A at Wellsville, NY would improve service to Wellsville and the surrounding communities.

Prepared for Erin Communications by Stephen M. Olszowka.

 9-9-95

Broadcast Technical Consultant
c/o WKQW AM/FM
234 Elm St.
Oil City PA 16301

FM Spacing study

Title: WJQZ, WELLSVILLE, NY
Channel 278A (103.5 MHz)
Database: FCC 07/06/95

Latitude: 42-03-24
Longitude: 78-00-34
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WENY-FM APC	WENY, Inc.	224A	1.20	42-01-55	91.1	101.5	10	
Elmira	NY BPH-931118II	92.7	218	76-47-02	272.0	91.5	CLEAR	
WSJZ	LIC Pyramid Communications-W	225B	91	42-38-12	318.2	86.79	15	
Buffalo	NY BLH-7243	92.9	177	78-42-58	137.8	71.79	CLEAR	
WOKW	LIC Raymark Broadcasting Com	275A	.35	41-04-29	201.9	117.5	31	
Curwensville	PA BLH-910410KB	102.9	288	78-31-58	21.5	86.50	CLEAR	
WCIK	LIC Family Life Ministries R	276A	.79	42-20-07	55.5	55.10	31	
Bath	NY BLH-830913AG	103.1	162	77-27-27	235.9	24.10	CLOSE	
ALLOC		276A		42-20-07	55.5	55.10	31	
Bath	NY	103.1		77-27-27	235.9	24.10	CLOSE	
PRM	DEL Stratten Broadcasting	277A		41-27-08	218.4	85.51	72	
Johnsonburg	PA DOC-87-433	103.3		78-38-51	38.0	13.51	CLEAR	
ALLOC		277A		41-27-08	218.4	85.51	72	
Johnsonburg	PA DOC-84-231	103.3		78-38-51	38.0	13.51	CLEAR	
Filing window 03/25-05/05/88 **CLOSED**								
ALLOC		277B		42-55-33	325.1	118.3	113	
Buffalo	NY	103.3		78-50-28	144.5	5.30	CLOSE	
WUFX	LIC Metroplex/Robinsons Broa	277B	49	42-55-33	325.1	118.3	113	
Buffalo	NY BLH-6153	103.3	104	78-50-28	144.5	5.30	CLOSE	
PRM		277D	.050	43-40-56	329.7	210.3		
Toronto	ON	103.3	60	79-19-46	148.8			
WNNR-FM CP	Waynco Radio	278A	6DA	43-16-05	26.9	151.4	115	
Sodus	NY BPH-950130IZ	103.5	74	77-09-40	207.5	36.4	CLEAR	
DA: oddball ODD950130IZ @ 0 deg								
WNNR-FM LIC	Waynco Radio	278A	3.80	43-16-05	26.9	151.4	115	
Sodus	NY BLH-910801KG	103.5	74	77-09-40	207.5	36.4	CLEAR	
ALLOC		278A		43-16-47	26.9	151.4	115	
Sodus	NY DOC-84-231	103.5		77-04-51	207.5	36.4	CLEAR	
Filing window 09/30-10/30/87 **CLOSED**								
WQNY	LIC JGS 3 Co.	279B	12DA	42-23-13	71.1	116.6	113	
Ithaca	NY BLH-840221AF	103.7	271	76-40-10	252.0	3.60	CLEAR	
DA: oddball ODD840221AF @ 0 deg								

STEPHEN M. OLSZOWKA
OIL CITY, PA.

Page 1
August 31, 1995

FM Spacing study

Title: WJQZ, WELLSVILLE, NY
Channel 278A (103.5 MHz)
Database: DW 07/20/95

Latitude: 42-03-24
Longitude: 78-00-34
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WENY-FM LIC	WENY, INC.		224A	.70	42-01-55	91.1	101.5	10
ELMIRA	NY		92.7	171	76-47-02	272.0	91.50	CLEAR
Was WLEZ 11/04/91 per FCC release #170 dated 11/01/91; Affiliated with WENY(AM)								

WSJZ	LIC	PYRAMID COMM.	WBUF LIC.	225B	91	42-38-12	318.2	86.79	15
BUFFALO	NY			92.9	177	78-42-58	137.8	71.79	CLEAR
Was WBUF 04/01/95 per FCC release #251 dated 04/03/95									

WOKW	LIC	RAYMARK BROADCASTING COM	275A	.35	41-04-29	201.9	117.5	31
CURWENSVILLE	PA	BLH-910410KB	102.9	288	78-31-58	21.5	86.50	CLEAR
Ant: Shiveley 6813-1								

WCIK	LIC	AREA YOUTH FOR CHRIST RA	276A	.79	42-20-07	55.5	55.10	31
BATH	NY	BLH-830913AG	103.1	162	77-27-27	235.9	24.10	CLOSE

ALLOC	SITE RESTRICTION 3 MI SE			277A		41-27-08	218.4	85.51	72
JOHNSONBURG	PA	DOC-84-231	103.3		78-38-51	38.0	13.51	CLEAR	
Filing window 03/25-05/05/88 **CLOSED**									

PRM	DELETION PROPOSED			277A		41-27-08	218.4	85.51	72
JOHNSONBURG	PA	DOC-87-433	103.3		78-38-51	38.0	13.51	CLEAR	
Deletion proposed									

WEDG	LIC	MERCURY RADIO COMMUNICAT	277B	49	42-55-33	325.1	118.3	113	
BUFFALO	NY		103.3	104	78-50-28	144.5	5.30	CLOSE	
Was WUFX 07/07/95 per FCC release #258 dated 07/11/95									

WNNR-FM LIC	WAYNCO RADIO	278A	3	43-16-05	26.9	151.4	115	
SODUS	NY	BLH-910801KG	103.5	74	77-09-40	207.5	36.40	CLEAR
Call Granted 10/31/89; Ant: Harris FML-2E								

WNNR-FM CP	WAYNCO RADIO	278A	6DA	43-16-05	26.9	151.4	115	
SODUS	NY	BPH-950130IZ	103.5	74	77-09-40	207.5	36.40	CLEAR
CP Granted 04/17/95 per FCC release #22139 dated 04/21/95; CP Granted 04/17/95 per FCC release #22139 dated 04/21/95; Call Granted 10/31/89								

WQNY	LIC	GILMORE COMMUNICATIONS	279B	12DA	42-23-13	71.1	116.6	113
ITHACA	NY	BLH-840221AF	103.7	268	76-40-10	252.0	3.60	CLEAR
Affiliated with WTKO(AM)								

WLMI	LIC	CLARION COUNTY BROADCAST	280A	3	41-39-34	236.5	79.90	31
KANE	PA	BLH-880504KA	103.9	88	78-48-42	56.1	48.90	CLEAR
Was WIFI 03/28/88								

WHTT-FM LIC	KISS LIMITED PARTNERSHIP	281B	50	42-49-50	323.3	107.7	69	
BUFFALO	NY	BLH-810812AC	104.1	119	78-47-54	142.8	38.7	CLEAR
Was WNYS-FM 09/21/86; Affiliated with WHTT(AM)								

>> End of channel 278A study <<

FM Spacing study

Title: WJQZ, WELLSVILLE, NY
Channel 278A (103.5 MHz)

Latitude: 42-03-24
Longitude: 78-00-34

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			279B		42-23-13	71.1	116.6	113
Ithaca	NY		103.7		76-40-10	252.0	3.60	CLOSE
ALLOC			280A		41-39-34	236.5	79.90	31
Kane	PA		103.9		78-48-42	56.1	48.90	CLEAR
ALLOC			281B		42-49-50	323.3	107.7	69
Buffalo	NY		104.1		78-47-54	142.8	38.7	CLEAR

>> End of channel 278A study <<

CERTIFICATE OF SERVICE

I, Linda M. Blair, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P.C., do hereby certify that copies of the foregoing "Petition for Rule Making" were served this 26th day of September, 1995, via first class mail, postage prepaid upon the following:

John A. Karousos, Chief
Allocations Branch Policy and
Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 8322
Washington, D.C. 20554


Linda M. Blair